

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re PEGASYSTEMS INC. SECURITIES
LITIGATION

) No. 1:22-cv-11220-WGY

)
) DECLARATION OF ROSS D. MURRAY
REGARDING NOTICE DISSEMINATION,
PUBLICATION, AND REQUESTS FOR
EXCLUSION RECEIVED TO DATE

I, ROSS D. MURRAY, declare and state as follows:

1. I am employed as a Vice President of Securities by Gilardi & Co. LLC (“Gilardi”), located at 1 McInnis Parkway, Suite 250, San Rafael, California. The following statements are based on my personal knowledge and information provided to me by others and if called to testify I could and would do so competently.

2. Pursuant to this Court’s May 15, 2024 Order Preliminarily Approving Settlement and Providing for Notice (“Notice Order”) (ECF 147), Gilardi was appointed as the Claims Administrator in connection with the proposed Settlement of the above-captioned litigation (the “Litigation”).¹ I oversaw the notice services that Gilardi provided in accordance with the Notice Order.

3. I submit this declaration in order to provide the Court and the parties to the Litigation with information regarding: (i) mailing and emailing of the Court-approved Postcard Notice (attached hereto as Exhibit A) and, if requested by potential Settlement Class Members, mailing of the Notice of Pendency and Proposed Settlement of Class Action (the “Notice”) and Proof of Claim and Release form (the “Proof of Claim”) (collectively, the “Claim Package,” attached hereto as Exhibit B); (ii) publication of the Summary Notice of Proposed Settlement of Class

¹ Any capitalized terms used that are not otherwise defined herein shall have the meanings ascribed to them in the Stipulation of Settlement dated April 23, 2024 (the “Stipulation”) (ECF 143), which is available on the website established for the Settlement at www.PegasystemsSecuritiesSettlement.com.

Action (the “Summary Notice”); (iii) establishment of the website and toll-free telephone number dedicated to this Settlement; and (iv) the number of requests for exclusion from the Settlement Class received to date by Gilardi.

DISSEMINATION OF NOTICE

4. Pursuant to the Notice Order, Gilardi is responsible for disseminating notice to potential Settlement Class Members. The Settlement Class consists of all Persons and entities who purchased or otherwise acquired the common stock of Pegasystems Inc. (“Pega” or the “Company”) between June 16, 2020 and May 9, 2022, inclusive, and experienced loss. Excluded from the Settlement Class are Defendants and the Dismissed Defendant and their immediate families, the Company’s officers and directors at all relevant times, as well as their immediate families, Defendants’ and the Dismissed Defendant’s legal representatives, heirs, successors or assigns, and any entity in which Defendants or the Dismissed Defendant have or had a controlling interest. Also excluded is any Person who properly excludes himself, herself, itself, or themselves by submitting a valid and timely request for exclusion. To the extent any Pega employee benefit plan receives a distribution from the Net Settlement Fund, no portion shall be allocated to any person or entity who is excluded from the Settlement Class by definition.

5. Gilardi received a file via email from Pega’s transfer agent, which contained the names and addresses of potential Settlement Class Members. The list

was reviewed to identify and eliminate duplicate entries and incomplete data, resulting in a usable mailing list of 29 unique names and addresses. Gilardi had the unique name and address data printed on to Postcard Notices, posted the Postcard Notices for First-Class Mail, postage prepaid, and delivered 29 Postcard Notices on June 5, 2024, to the United States Post Office for mailing.

6. On June 5, 2024, as part of its normal mailing procedures, Gilardi mailed, by First-Class Mail, Postcard Notices and cover letters to 282 brokerages, custodial banks, and other institutions (“Nominee Holders”) that hold securities in “street name” as nominees for the benefit of their customers who are the beneficial owners of the securities. The Nominee Holders also include a group of filers/institutions who have requested notification of every securities case. These Nominee Holders are included in a proprietary database created and maintained by Gilardi. In Gilardi’s experience, the Nominee Holders included in this proprietary database represent a significant majority of the beneficial holders of securities. The cover letter accompanying the Postcard Notices advised the Nominee Holders of the proposed Settlement and requested their cooperation in forwarding the Postcard Notices to potential Settlement Class Members. In the more than four decades that Gilardi has been providing notice and claims administration services in securities class actions, Gilardi has found the majority of potential class members hold their securities in street name and are notified through the Nominee Holders. Gilardi also

mailed Postcard Notices and cover letters to the 4,421 institutions included on the U.S. Securities and Exchange Commission's ("SEC") list of active brokers and dealers at the time of mailing. A sample of the cover letter mailed to Nominee Holders and the institutions included on the SEC's list of active brokers and dealers is attached hereto as Exhibit C.

7. On June 5, 2024, Gilardi also delivered electronic copies of the Postcard Notice to 326 registered electronic filers who are qualified to submit electronic claims. These filers are primarily institutions and third-party filers who typically file numerous claims on behalf of beneficial owners for whom they act as trustees or fiduciaries.

8. As part of the notice program for this Settlement, on June 5, 2024, Gilardi also delivered electronic copies of the Claim Package and Postcard Notice via email to be published by the Depository Trust Company ("DTC") on the DTC Legal Notice System ("LENS"). LENS enables the participating bank and broker nominees to review the Claim Package and Postcard Notice and contact Gilardi for copies of the Postcard Notice for their beneficial holders.

9. Gilardi has acted as a repository for shareholder and nominee inquiries and communications received in this Settlement. In this regard, Gilardi has forwarded the Postcard Notice on request to nominees who purchased or otherwise acquired Pega common stock for the beneficial interest of other persons. Gilardi has

also forwarded the Postcard Notice directly to beneficial owners upon receipt of the names and addresses from such beneficial owners or nominees.

10. Following the initial mailing, Gilardi received 13 responses to the outreach efforts described above, which included computer files containing a total of 6,422 names and addresses and 75 email addresses of potential Settlement Class Members. In addition, 29 institutions requested that Gilardi send them a total of 14,115 Postcard Notices for forwarding directly to their clients. Gilardi also received six requests for Claim Packages from potential Settlement Class Members. Each of these requests has been completed in a timely manner.

11. As of August 13, 2024, Gilardi has mailed or emailed a total of 25,670 Postcard Notices and six Claim Packages to potential Settlement Class Members and nominees. Additionally, one institution reported that they anticipated sending Postcard Notices via email to 17,520 potential Settlement Class Members.

PUBLICATION OF THE SUMMARY NOTICE

12. In accordance with the Notice Order, on June 12, 2024, Gilardi caused the Summary Notice to be published in *The Wall Street Journal* and to be transmitted over *Business Wire*, as shown in the confirmations of publication attached hereto as Exhibit D.

TELEPHONE HELPLINE AND WEBSITE

13. On June 5, 2024, Gilardi established and continues to maintain a case-specific, toll-free telephone helpline, 1-877-282-6606, to accommodate potential Settlement Class Member inquiries. The toll-free number was set forth in the Postcard Notice, the Notice, and on the case website. Gilardi has been and will continue to promptly respond to all inquiries to the toll-free telephone helpline.

14. On June 5, 2024, Gilardi established and continues to maintain a website dedicated to this Settlement (www.PegasystemsSecuritiesSettlement.com) to provide additional information to Settlement Class Members and to provide answers to frequently asked questions. The web address was set forth in the Postcard Notice, Notice, Proof of Claim, and Summary Notice. The website includes information regarding the Litigation and the Settlement, including the objection and claim filing deadlines, and the date and time of the Court's Settlement Hearing. Copies of the Notice, Proof of Claim, Stipulation, and Notice Order are posted on the website and are available for downloading. Settlement Class Members can also complete and submit a Proof of Claim through the website.

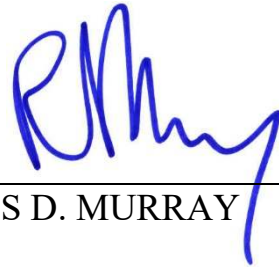
REQUESTS FOR EXCLUSION RECEIVED TO DATE

15. The Notice informs potential Settlement Class Members that written requests for exclusion from the Settlement Class must be mailed to *Pegasystems Securities Settlement*, Claims Administrator, c/o Gilardi & Co. LLC,

EXCLUSIONS, P.O. Box 5100, Larkspur, CA 94977-5100, such that they are postmarked no later than August 29, 2024.

16. The Notice also sets forth the information that must be included in each request for exclusion. Gilardi has monitored and will continue to monitor all mail delivered to this address. As of the date of this declaration, Gilardi has received one request for exclusion, a redacted copy of which is attached hereto as Exhibit E.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 13th day of August, 2024, at San Rafael, California.



ROSS D. MURRAY

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 15, 2024.

/s/ Chad Johnson

CHAD JOHNSON